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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	CC Docket No. 96-98
Virginia State Corporation Commission	)	NSD File No. L-99-95
Petition for Delegation of Additional	)	DA 99-2846
Authority to Implement Number	)	
Conservation Measures	)	

**COMMENTS OF AT&T CORP.**

Pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, AT&T Corp. ("AT&T") hereby submits its comments on the Virginia State Corporation Commission's ("VSCC") petition for additional authority to implement number conservation measures ("Petition").

Nearly half of the nation's state commissions have now filed petitions<sup>1</sup> seeking a broad delegation of power over number administration pursuant to the Commission's recent Pennsylvania Order.<sup>2</sup> On September 15, 1999, the Commission granted in part waiver requests by the state commissions for California, Florida, Massachusetts and New York that sought

<sup>1</sup> As of the date of the instant pleading, at least twenty-three state commissions have filed petitions seeking delegated authority over number administration. In addition to the VSCC petition, petitions have been filed by state commissions from Arizona, California, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Maine, Massachusetts, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, Washington, and Wisconsin.

<sup>2</sup> In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009 (1998) ("Pennsylvania Order").

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authority that was substantively identical in large measure to that the VSCC seeks here. Two weeks later, the Commission granted the Maine commission -- which sought relief from the alleged burdens of NPA proliferation in a state that has only one area code -- authority essentially identical to that granted in the September 15<sup>th</sup> waivers. On November 30, 1999, the Commission granted five additional state waiver requests, authorizing the state commissions for Connecticut, New Hampshire, Ohio, Texas, and Wisconsin to implement some or all of the same conservation measures permitted by the four original waivers.

Because the many state commission numbering petitions filed to date largely seek the same relief and raise substantively identical claims, AT&T will not burden the record by repeating the arguments it has offered in response to those previous waiver requests, but instead hereby incorporates into these comments by reference its prior pleadings concerning each of the state petitions. In addition, AT&T hereby incorporates into this pleading by reference its pleadings addressing the Commission's recent Numbering Resource Optimization NPRM.<sup>3</sup>

The state numbering petitions granted to date strongly suggest that the Commission is prepared to grant to any state that requests it authority that, by the Commission's own admission, "goes beyond the parameters outlined in the [Pennsylvania Order]." <sup>4</sup> For example, the Commission based its grant of additional authority to the Maine commission on the fact that the

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<sup>3</sup> Numbering Resource Optimization, Notice of Proposed Rulemaking, CC Docket No. 99-200, released June 2, 1999 ("NRO NPRM").

<sup>4</sup> E.g., Order, Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Codes, CC Docket No. 96-98, NSD File No. L-99-19, ¶ 6, released September 15, 1999.

207 NPA was nearing exhaust "despite the existence of a high number of unused numbers in this code."<sup>5</sup> The Commission has long recognized, however, that because the current numbering system requires the assignment of numbers in blocks of 10,000, and requires wireline carriers to obtain an NXX code in every rate center they wish to serve (there are over 220 rate centers in Maine's single area code), CLECs will almost inevitably have a relatively large proportion of "unused numbers" when they enter the market.<sup>6</sup>

The rationale underlying the waiver granted to the Maine commission thus potentially applies with equal force to virtually every NPA. Moreover, because no state numbering petition filed to date provides information as to how the petitioning state commission proposes to implement programs such as number pooling or number reclamation, the potential for widely varying standards -- or even outright conflicts among the states -- is high.<sup>7</sup> In effect, the Commission appears to have modified its longstanding numbering rules and policies without adequate prior notice, and without offering an adequate explanation for abandoning its previous

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<sup>5</sup> Order, Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-27, ¶ 5, released September 28, 1999.

<sup>6</sup> See, e.g., NRO NPRM, ¶ 20.

<sup>7</sup> For example, while the Commission's state numbering waiver orders urge state commissions to adhere to "industry adopted thousands-block pooling guidelines," it permits them to modify those guidelines after "consult[ing] with the industry." E.g., Order, Petition of the California Public Utilities Commission for Delegation of Additional Authority, CC Docket No. 96-98, NSD File No. L-98-136, ¶ 14, released September 15, 1999 ("California Waiver Order"). Other aspects of the numbering waivers granted to date are similarly unclear as to precisely what constraints the Commission imposed on state commissions' discretion to adopt state-specific numbering requirements.

conclusion that permitting state commissions to proceed with numbering administration measures "on a piecemeal basis" could "jeopardiz[e] telecommunications services throughout the country."<sup>8</sup>

AT&T already has begun to work with the state commissions that have obtained numbering waivers, and intends to continue to cooperate fully in their efforts to implement thousands block pooling and the other measures the Commission recently authorized. AT&T also intends to participate in similar efforts by other state commissions that may obtain grants of numbering authority. Nevertheless, AT&T continues to urge the Commission to move forward promptly with the adoption of national conservation standards, and to limit the number of states to which it grants numbering waivers. As the state commissions' seriatim requests for delegated authority make clear, the circumstances prompting the instant petition are not unique to any one state, or even to a small group of states, but are national issues for which national solutions are essential. If the Commission were to grant authority over number conservation to each state that has requested (or that is likely to request) that power, the integrity of the NANP could be threatened by a myriad of competing and conflicting standards, and the timeline for implementing national number optimization policies would be significantly lengthened because carriers would be forced to devote their limited resources to developing and implementing multiple state trials.<sup>9</sup>

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<sup>8</sup> Pennsylvania Order at 19022 ¶ 21. As AT&T has stated previously, it does not contend that state commissions are incapable of crafting workable numbering policies, but rather that the decisions of dozens of autonomous regulatory bodies will inevitably diverge from – and even directly conflict with – one another.

<sup>9</sup> Although the numbering waivers granted to date express the Commission's willingness to

(footnote continued on next page)

Finally, it is imperative that the Commission make clear in any order delegating authority over numbering that a state may not refuse to implement needed NPA relief while it undergoes preparations for number conservation measures that it hopes may eventually permit it to extend the life of NPAs. Despite the Commission's explicit warning that the numbering waivers it has granted to date "are not intended to allow [state commissions] to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief,"<sup>10</sup> some states already have suggested that they intend to utilize rationing to artificially extend the life of existing NPAs while they prepare for pooling or other measures. Although the Commission's prior waiver decisions admonished that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources,"<sup>11</sup> there is a real and present danger that that situation will occur.<sup>12</sup> In any subsequent numbering waiver that it may grant, the Commission should clarify that it does not -- and did not previously -- intend to permit state

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(footnote continued from previous page)

ensure that state commissions adhere to the "competitive neutrality" requirement and other provisions of its rules, the reality is that carriers seeking to compete in rapidly changing telecommunications markets can ill afford the delay and uncertainty that inevitably result from disputes over varying state-created numbering policies.

<sup>10</sup> E.g., California Waiver Order, ¶ 9.

<sup>11</sup> E.g., id., ¶ 9.

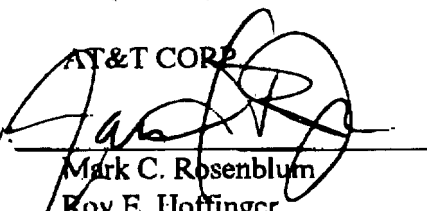
<sup>12</sup> See generally Letter from Tina S. Pyle, MediaOne Group, Inc., to Yog R. Varma, Deputy Bureau Chief, Common Carrier Bureau, Federal Communications Commission (September 29, 1999) (documenting MediaOne's inability to obtain numbering resources necessary to provide residential wireline telephone service to "over 290,000 additional households").

commissions to deny numbering resources to carriers during any interim period while a state prepares to implement optimization measures.

### CONCLUSION

AT&T urges the Commission to establish national conservation standards as expeditiously as possible to provide necessary relief to all states, carriers, and consumers on an equitable basis; and to act on the instant petition in a manner consistent with AT&T's comments and reply comments concerning prior state commission numbering waiver requests and the NRO NPRM.

Respectfully submitted,

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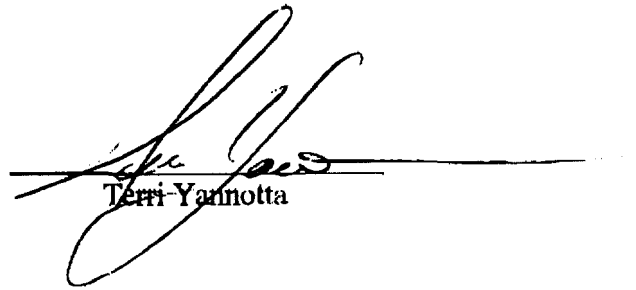
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January 20, 2000

**CERTIFICATE OF SERVICE**

I, Terri Yannotta, do hereby certify that on this 20<sup>th</sup> day of January, 2000, a copy of the foregoing "Comments of AT&T Corp." was served by U.S. first-class mail, postage prepaid to the party listed below:

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Terri Yannotta

January 20, 2000